

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 8 are requested to be cancelled.

Claims 2, 3, 6, 7, 9, 10, 13 and 14 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2-7 and 9-13 (12 claims) are now pending in this application.

The office action of September 7, 2004 and the references cited therein have been considered. In response to the rejections to the claims, the Applicant provides the following comments. As demonstrated, however, each of the rejections is believed overcome with the application being placed in condition for allowance. Accordingly, reconsideration and allowance of this application is respectfully requested.

On page 2, paragraph 2 of the office action, the Examiner has rejected claims 6-7 and 13-14 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Examiner states that "support member" lacks antecedent basis and that claims 7 and 14 lack antecedent to prior claims 6 and 13 because of the enumeration of first and second plates.

In response, Applicant has amended claims 6 and 7 and claims 13 and 14 to delete the word "member" and substitute the word "plate" in each of the cited claims. Applicant submits that in paragraph 22 of the specification, the element number 26 is referred to as a "support plate" or "support member" and is properly identified in the drawings. The

amendment to the claims is for purposes of consistency throughout the claims when referring to the "support plate".

Applicant has also amended claim 7 to depend from claim 6 and amended claim 14 to depend from claim 13 to properly account for the first and second biasing members referenced in the claims.

Accordingly, Applicant submits that claims 6-7 and 13-14, as amended are definite and particularly point out and distinctly claim the subject matter of the invention under 35 U.S.C. §112, second paragraph and therefore, Applicant respectfully requests that the Examiner withdraw his rejection of those claims.

On page 2, paragraph 3 of the office action, the Examiner has rejected claims 1, 3, 6, 8, 10 and 13 under 35 U.S.C. §102(e) as being anticipated by Rubio, et al (USPN: 6,547,302). Rubio discloses a vehicle seat locking device.

On page 3, paragraph 4 of the office action, the Examiner has objected to claims 2, 4-5, 9, 11-12 as being depended upon a rejected base claim but would be allowable if rewritten in independent form. In response, Applicant has amended claim 2 by including all of the limitations of independent claim 1 and has rewritten claim 2 in independent form. Applicant has also canceled claim 1. Applicant has also amended claims 3 and 6 to depend from claim 2 as amended. Likewise, Applicant has amended claim 9 by including all of the limitations of independent claim 8 and has rewritten claim 9 in independent form. Applicant has canceled claim 8. Further, Applicant has amended claims 10 and 13 to depend now from independent claim 9 as amended.

In light of the amendments stated above, Applicant submits that the rejection of claims 1 and 8 under 35 U.S.C. §103(e) are moot since those claims are canceled and that the rejection of claim 6 under 35 U.S.C. §102(e) is moot since it is now dependent upon claim 2 as amended and that claims 3, 6, 10 and 13 now depend from independent claims 2 and 9, respectively as amended, that the Examiner withdraw his rejection of those claims under 35 U.S.C. §102(e). Further, Applicant has rewritten claims 2 and 9 in independent form and included the limitations of the base claim and have amended claims 4-5, 11-12, 7 and 14 to

depend now either directly or indirectly from allowable claims 2 and 9. Therefore, Applicant respectfully requests that the Examiner withdraw his objection to claims 2, 4-5, 6-7, 9, 11-12 and 14, as amended.

The prior art made of record but not relied upon has been reviewed.

Applicant has attempted to comment to the extent necessary to distinguish the claims over the prior art and to amend the claims to remove any ambiguity cited by the Examiner but with the intent of not limiting the scope of the invention protection afforded by the patent laws to these claims any further than absolutely necessary. It is respectfully submitted that each outstanding rejection and objection has now been overcome and that each claim is in condition for allowance. Reconsideration is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

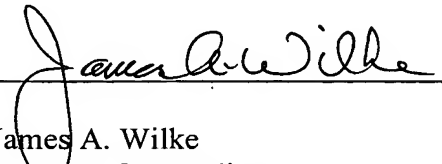
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 12-03-04

By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5776
Facsimile: (414) 297-4900

James A. Wilke
Attorney for Applicant
Registration No. 34,279